IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13944 of 2005

Between:

1 Sri iqbal Mohd. Abdul Hadi S/o.M.A.Ghani
R/o.Saudi Arabia rep by his GPA Smt.Masroor Fatima W/o.Sri Iqbal Mohd.Abdul Hadi aged 45 yrs, R/o.402, Skill Ap Humayunnagar, Hyderzabad.
2 Smt.Masroor Fatima W/o.Sri Iqbal Mohd.Abdul Hadi
R/o.402, Skill Apts, Humayunnagar, Hyderabad.

..... PETITIONERS

AND

1 The Spl.Officer and Competent Authority Urban Land Ceiling M.G.Road, Hyderabad.
2 The Principle Secretary to Government Revenue (UC-II) Department, Govt. of Andhra Pradesh Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of writ of Mandamus directing the respondents particularly respondent No.2 to consider the application of the petitioners bearing No.E-1/455/396/02 and allot and regularise the excess land as done in the case of neighbor owners vide G.O.Ms.No.116 dt.29.1.2003 in pursuance of G.O.Ms.No.455 dt.29.7.2002 to issue the allotment order to the petitioners.

Counsel for the Petitioners: MR.K.K.WAGHRAY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to the declare the action of the second respondent in not considering the application of the petitioners bearing No.E-1/455/396/02 for allotment and regularization of the excess lands as was done in the case of neighbour owners vide G.O.Ms.No.116, dated 29-01-2003, in pursuance of G.O.Ms.No.455, dated 29-07-2002, as illegal and arbitarary, and consequently to direct the respondents to issue allotment order in favour of the petitioners.

It is stated that the petitioners are the owners of the residential property bearing Municipal No.8-1-402/266-269 and 275 to 278, situated at Gulshan colony, Shekpet, Hyderabad, admeasuring 1338.4 sq. mtrs and in possession and enjoyment of the same for the last more than 20 years. While so, the Government of Andhra Pradesh issued policy guidelines for regularization of the excess lands and accordingly, G.O.Ms.No.455, dated 29-07-2002 was issued. In pursuance of the same, the petitioners submitted application along with a demand draft for Rs.2,67,680/- seeking regularization and allotment. It is further submitted that the adjacent plots owners' also applied for regularization as per G.O.Ms.No.455 and the second respondent considered their cases and issued G.O.Ms.No.116 dated 29-01-2003 granting regularization and allotment. However, the petitioners have received neither any communication nor notice or correspondence from the respondents in respect of their case.

The grievance of the petitioners is that though the respondents considered the cases of similarly situated persons, failed to consider their case for regularization and allotment of the excess land as per G.O.Ms.No.455 dated 29-07-2002. Hence, the writ petition.

The learned Government Pleader, under instructions, submitted that though the petitioners submitted their application, failed to enclose the required documents.

Having heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents and perused the material on record, and in view of the facts and circumstances of the case, especially in view of the facts that the application of the petitioners is pending before the first respondent for the last three years and that the second respondent considered the cases of similarly situated persons, I deem it appropriate to dispose of the writ petition.

The writ petition is accordingly disposed of directing the respondents to consider the application submitted by the petitioners and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording due opportunity to the petitioners. No costs.

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(ELIPE DHARMA RAO, J)

Date:29-06-2005

ghn

To

1 The Spl.Officer and Competent Authority Urban Land Ceiling M.G.Road, Hyderabad.
2 The Principle Secretary to Government Revenue (UC-II) Department, Govt. of Andhra Pradesh Secretariat, Hyderabad.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.